IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.5284 OF 2005

Mrs.Vinodini A. Rawal ....Petitioner
V/s.
Pravin Shah & Ors. ....Respondents

Mr.Mohit Jadhav for the Petitioner.
Mr.G.B. Patel for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The impugned order rejects the application for amendment on the ground that it is barred by limitation.

3. The suit was filed challenging the alleged unauthorized construction by the Defendants. By the amended prayer, all the Plaintiff seeks to do is to seek the mandatory order directing the Defendants to restore the premises to the original position. This would be but a consequential relief in the event of the Plaintiff’s succeeding in the main prayer.

4. In the circumstances the impugned order is set-aside. The amendment however, shall be subject to the question of limitation, which may be agitated at the final hearing of the suit.

5. The Rule is made absolutely accordingly.